

\*\*Original filed 9/30/06\*\*

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID WENG,	)	No. C 06-2805 JF (PR)
	)	
Petitioner,	)	ORDER DENYING MOTIONS TO
	)	PROCEED IN FORMA
vs.	)	PAUPERIS AND TO PAY FILING
	)	FEE WITHIN THIRTY DAYS
	)	
SUSAN FISHER,	)	
	)	
Respondent.	)	
_____	)	(Docket Nos. 2, 4)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and two motions to proceed in forma pauperis. Petitioner's trust account statement reveals that for the six months preceding the filing of this petition, Petitioner had average monthly deposits into his trust account of \$42.26 and an average monthly balance of \$73.27. This is sufficient to pay the \$5.00 habeas filing fee. Accordingly, Petitioner's motions to proceed in forma pauperis (docket nos. 2, 4) are DENIED. Within **thirty days** of the date this order is filed, Petitioner shall pay the \$5.00 filing fee. Petitioner shall include with his payment a clear indication that it is for this case number, C 06-2805 JF (PR). Failure to pay the filing fee within **thirty days** of the date this order is filed shall result in the dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: 9/30/06

  
 JEREMY FOGEL  
 United States District Judge

1 A copy of this order was mailed to the following:

2  
3 David Weng  
4 D-62905  
5 CTF -Central, G -Wing 222  
6 Soledad, CA 93960-0689  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28